

Applicant: Charles J. Truan
Serial No.: 10/066,925
Group Art Unit: 1744

REMARKS

Claims 1-17 and 31-33 remain in this application. Claims 18-30 and 34-35 have been cancelled.

Claims 18-24 stand objected to under 37 CFR §1.75 as being a substantial duplicate of claims 1-7. Since claims 18-24 were cancelled, this objection is moot.

Claim 1 has been amended to recite a manipulator assembly for attachment to a bucket of a construction vehicle. The assembly comprises a housing, a utility tool supported by the housing, at least one mounting bracket connected to the housing, and at least one mounting arm having a first end and a second end. The first end of the mounting arm is connected to the mounting bracket. The assembly further includes a quick-release connector comprising a pin moveable between a locked position and an unlocked position mounted to the second end of the mounting arm for selectively securing the housing to the bucket. A biasing device is disposed on the quick-release connector and continuously urges the pin outwardly in the locked position for engaging the bucket. The subject invention is particularly useful since the bucket remains free of the quick-release connector and the biasing device when the utility tool is removed from the bucket.

Claims 1-4, 15, 17-21, 25, 28 and 34 stand rejected under 35 U.S.C. 102(b) as being anticipated by Von Schalscha (United States Patent Number 5,775,013). Claims 1, 13, 15, 17-18, 30 and 34 stand rejected under 35 U.S.C. §102(b) as being anticipated by Hall (United States Patent Number 5,918,389). Claims 1, 13, 15, 17-18, 30 and 34 stand rejected under 35 U.S.C. §102(b) as being anticipated by Webb et al. (United States Patent Number 5,253,449). Claims 1, 13, 15, 17-18, 27, 30 and 34 stand rejected under 35 U.S.C. 102(b) as being anticipated by Plourde (United States Patent Number 5,273,375).

In order for a rejection under 35 U.S.C. §102(b) to be proper, the reference must disclose, either expressly or inherently, each and every element as set forth in the claims. See Manual of Patent Examining Procedure §2131. None of the cited references disclose the quick-release connector comprising a pin moveable between a locked and an unlocked position mounted to the second end of the mounting arm and none of the references disclose a biasing device urging the pin outwardly in the locked position for engaging the bucket.

Von Schalscha teaches a clevis member 44 engaging a bucket and a tool secured to the bucket by a pin 50. A locking clip 52 is inserted through a hole in the pin 50 to prevent the pin 50 from being removed. Von Schalscha does not disclose a biasing device disposed on the quick-release connector and urging the pin outwardly in the locked position. Therefore, Von Schalscha does not teach, disclose, or suggest each and every limitation of the subject invention and the 35 U.S.C. §102(b) rejection is overcome.

Hall teaches an attachment for a bucket comprising a hook member 78 mounted to a bucket and a tether chain 80 mounted to a tool. The hook member 78 and the tether chain 80 are connected to one another by a first link 86, a lever 82, a second link 90, and a hook 92 engaging the tether 80. Hall does not disclose a mounting arm having a first end and a second end with the first end mounted to a tool. Further, Hall does not disclose a quick-release connector comprising a pin moveable between a locked and an unlocked position or a biasing device urging the pin outwardly in the locked position. Therefore, Hall does not teach, disclose, or suggest each and every limitation of the subject invention and the 35 U.S.C. §102(b) rejection is overcome.

Webb et al. teaches a gusset plate 64 connected to a sidewall 60. A mounting system 70 includes an upper section and a lower section 72, 74 with a pad eye 80 and a ball joint 82 connected to each section. The pad eye 80 and ball joint 82 engages a bolt 84b and a nut 84c secures the bolt. Webb et al. does not disclose a quick-release connector comprising a pin moveable between a locked and an unlocked position or a biasing device urging the pin outwardly in the locked position. Therefore, Webb et al. does not teach, disclose, or suggest each and every limitation of the subject invention and the 35 U.S.C. §102(b) rejection is overcome.

Plourde teaches a tool having side plates 22 with attachment members 48. The attachment members 48 have a slot 50 for engaging a bucket. A clamping screw 52 is screwed into the attachment members 48 to secure the bucket in the slot 50. Plourde does not disclose a quick-release connector comprising a pin moveable between a locked and an unlocked position or a biasing device urging the pin outwardly in the locked position. Therefore, Plourde does not teach, disclose, or suggest each and every limitation of the subject invention and the 35 U.S.C. §102(b) rejection is overcome.

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Claims 1-7, 15, 17, 18-24, 27-29 and 34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Perry et al. (United States Patent Number 6,457,268) in view of Hahka (United States Patent Number 6,193,261).

To establish a prima facie case of obviousness under 35 U.S.C. §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. As further established, once combined the references must either disclose each and every limitation of the claim or make obvious any such limitations not disclosed. See *In re: Sang Su Lee*, 277 F.3d 1338 (Fed. Cir. 2002), citing *Brown & Williamson Tobacco Corp. v. Phillip Morris, Inc.*, 229 F.3d 1120, 1124-25 (Fed. Cir. 2000).

Applicant respectfully submits that the Examiner has failed to establish a prima facie case of obviousness. First, there is no suggestion or motivation, either in the references themselves or knowledge available to those skilled in the art, to combine the references. Secondly, even if the references are combined, they do not disclose each and every feature of the claimed invention.

More specifically, Perry et al. teaches an assembly for attaching a tool to a bucket. The assembly includes mounting brackets 38, 40 mounted to the tool for engaging the bucket. The brackets 38, 40 have holes which align with holes in the bucket. A fastener 78 is inserted through the holes and secured with a nut. Perry et al. does not disclose a quick-release connector comprising a pin moveable between a locked and an unlocked position or a biasing device urging the pin outwardly in the locked position. Hahka discloses a quick release hitch pin having balls 36 or tabs 50 being biased outwardly from the pin. The hitch pin is inserted into a trailer hitch and the balls or tabs prevent the pin from being removed. There is no suggestion within the references themselves to replace the fasteners of Perry et al. with the hitch pin of Hahka. Even if the references were combined, they do not disclose each and every limitation of the claimed invention and such limitations are not obvious. Accordingly, the 35 U.S.C. §103 rejection should be withdrawn.

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Claims 1-8, 15, 17, 18-25, 27-29 and 34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Von Schalscha in view of Hahka. Claims 1-7, 14, 16-24 and 31-34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (United States Patent Number 5,621,940) in view of Hahka, Hall, Webb et al. or Plourde.

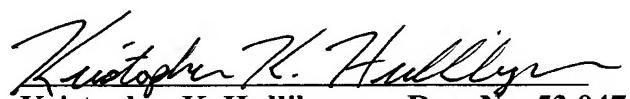
Based upon the above discussion of the individual references relied upon for the §102 rejection, the Examiner has failed to establish a prima facie case of obviousness. Specifically, even if these references could be combined, each and every limitation of the claimed invention is not taught or suggested by these references and these limitations are not obviousness. Therefore, the 35 U.S.C. §103 rejections should be withdrawn and claim 1-17 and 31-33 are deemed allowable.

Accordingly, it is respectfully submitted that the Application, as amended, is now presented in condition for allowance, which allowance is respectfully solicited. Applicant believes that no fees are due, however, if any become required, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account 08-2789. Further and favorable reconsideration of the outstanding Office Action is hereby requested.

Respectfully submitted

HOWARD & HOWARD ATTORNEYS, P.C.

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Date


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CERTIFICATE OF MAILING

I hereby certify that this Amendment for United States Patent Application Serial Number **10/066,925** filed **February 4, 2002** is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **June 2, 2004**.

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KKH/msd